

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILLIKEN & COMPANY,

BAER, S.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/29/07

Plaintiff,

07 Civ. 3175 (HB)

- against -

**ORDER GRANTING
JUDGMENT AND
REFERRED MATTER
TO MAGISTRATE JUDGE
FOR FURTHER
PROCEEDINGS
AS TO DAMAGES**

TULLAHOMA INDUSTRIES, LLC,

07/1259

Defendant.

X

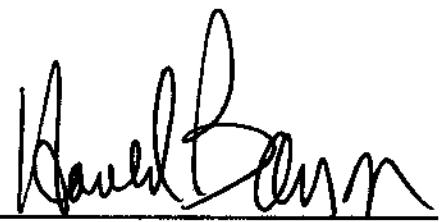
This action having been commenced on April 20, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having personally served on the defendant, TULLAHOMA INDUSTRIES, LLC, on April 26, 2007, by personally serving Richard Davenport, president of defendant TULLAHOMA INDUSTRIES, LLC, at TULLAHOMA INDUSTRIES, LLC, 1811 Old Estill Springs Road, Tullahoma, Tennessee 37388, and a proof of service having been filed on May 10, 2007, and the defendant having neither appeared herein, nor answered or moved with respect to the Complaint, and the time for answering the Complaint (or moving in respect thereof) having expired; and it appearing that pursuant to Fed. R. Civ. P. 54(b) there is no just reason to delay the entry of an immediate default judgment in plaintiff's favor for liability and damages against defendant on the First Claim for Relief set forth in the Complaint; and it further appearing that judgment as to liability only is also appropriate with respect to plaintiff's Second Claim for Relief as against defendant, with the determination of damages thereon to be determined in subsequent proceedings

NOW, on the motion of OTTERBOURG, STEINDLER, HOUSTON & ROSEN, P.C.,
counsel for plaintiff, MILLIKEN & COMPANY, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment on its
First Claim set forth in the Complaint against defendant in the liquidated amount of \$150,542.24,
plus interest at 10.3 percent per annum from July 8, 2006 through June 28, 2007, (a total of
\$12,816.45 through June 28, 2007) and \$42.48 for each day thereafter through the entry of
judgment), amounting in all to \$ 163,359.69 through June 28, 2007, together with the
costs and disbursements of this action as taxed and that plaintiff have enforcement thereof; and it
is further

ORDERED, ADJUDGED AND DECREED: That plaintiff have judgment against
defendant for liability on plaintiff's the Second Claim set forth in the Complaint for recovery of
plaintiff's reasonable and actual legal fees and expenses in prosecuting this action, and that this
matter be referred to Magistrate Judge Frank Maas for further proceedings solely to determine
the amount of plaintiff's actual and reasonable attorneys' fees incurred in this matter, and that
plaintiff be entitled to enter a subsequent judgment against defendant in such amount after the
determination thereof.

Dated: New York, New York
June 28, 2007



Harold Baer U.S.D.J.

This document was entered on the docket on June 28, 2007